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24 *Zmodo Technology Corporation Limited*
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26 **UNITED STATES DISTRICT COURT**
27 **DISTRICT OF NEVADA**

28 EYETALK365, LLC,
29 v.
30 Plaintiff,
31 ZMODO TECHNOLOGY CORPORATION
32 LIMITED,
33 v.
34 Defendant.

35 Case No. 3:17-cv-00686-RCJ-PAL
36 and related case

37 EYETALK365, LLC,
38 v.
39 Plaintiff,
40 ZMODO TECHNOLOGY CORPORATION
41 LIMITED,
42 v.
43 Defendant.

44 Case No. 2:17-cv-02714-RCJ-PAL
45 **DEFENDANT ZMODO TECHNOLOGY**
46 **CORPORATION LIMITED'S MOTION**
47 **TO EXTEND TIME TO FILE**
48 **RESPONSE TO PLAINTIFF'S MOTION**
49 **TO DISQUALIFY**
50 **(FIRST REQUEST)**

1 Defendant Zmodo Technology Corporation Limited (“Zmodo”), pursuant to LR IA 6-1,
2 hereby requests a two-day extension to file its Response to Plaintiff’s Motion to Disqualify filed
3 on July 25, 2018 (ECF No. 67 in Case No. 3:17-cv-00686-RCJ-PAL; ECF No. 159 in Case No.
4 2:17-cv-02714-RCJ-PAL) – moving the deadline for Zmodo’s Response from August 8, 2018 to
5 August 10, 2018. This is Zmodo’s first request for an extension of time to file its Response.

6 Plaintiff’s Motion to Disqualify raises various allegations against Zmodo’s counsel
7 Kasowitz Benson Torres LLP (“Kasowitz”) regarding purported disqualifying conflict of interest,
8 to which Kasowitz’s attorneys, including the firm’s senior attorneys, require additional time to
9 review thoroughly based on the information known to date, and to respond accordingly. Given
10 the seriousness and implications of Plaintiff’s Motion to Disqualify, Zmodo would be severely
11 prejudiced if its counsel is not afforded the requested time extension. On the other hand, a short
12 two-day extension does not harm or prejudice Plaintiff and, in fact, Zmodo would agree to a similar
13 time extension for Plaintiff’s Reply brief should Plaintiff need additional time. This short time
14 extension will not impact the hearing on the Motion to Disqualify currently set for August 28,
15 2018.

16 Further, as set forth in the attached Declaration of Jack Shaw, Esq., Zmodo made efforts to
17 secure a time extension for Zmodo’s Response, but Plaintiff’s counsel did not respond to voice
18 messages or emails as of the time of filing the instant motion to extend time.

19 Based on the foregoing, good cause exists to extend the deadline for Zmodo to submit its
20 Response to Plaintiff’s Motion to Disqualify from August 8, 2018 to August 10, 2018.

21 Dated: August 7, 2018.

EVANS FEARS & SCHUTTERT LLP

23 By: /s/ Chad R. Fears
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20 Attorneys for Defendant
21 Zmodo Technology Corporation Limited

22 **IT IS SO ORDERED.**

23 
24 UNITED STATES DISTRICT COURT JUDGE/
25 UNITED STATES MAGISTRATE JUDGE

26 DATED: August 14, 2018

DECLARATION OF JACK SHAW, ESQ. IN SUPPORT OF DEFENDANT ZMODO TECHNOLOGY CORPORATION LIMITED'S MOTION TO EXTEND TIME TO FILE RESPONSE TO PLAINTIFF'S MOTION TO DISQUALIFY

Jack Shaw, Esq., declares as follows:

1. I am an attorney with the law firm of Kasowitz Benson Torres LLP ("Kasowitz").

I am admitted *pro hac vice* in the above-captioned cases and counsel of record for Zmodo Technology Corporation Limited (“Zmodo”).

2. I have personal knowledge of the matters set forth in this declaration, and if called upon as a witness, I could competently testify to them.

3. After receiving Plaintiff's Motion to Disqualify, my colleagues from Kasowitz and I initially contacted Plaintiff's counsel about extending the deadline for Zmodo's response to allow Zmodo to conduct discovery regarding the alleged conflict of interest. The time extension requested by Zmodo at that time was for thirty days for Zmodo to respond to Plaintiff's Motion to Disqualify. However, Plaintiff's counsel refused to accommodate Zmodo in this regard.

4. On August 7, 2018, I left two voice messages for Plaintiff's counsel regarding a two-day extension for Zmodo to file its Response to Plaintiff's Motion to Disqualify. I also subsequently emailed twice Plaintiff's counsel regarding Zmodo's request for the two-day extension. But, Plaintiff's counsel did not respond to voice messages or emails as of the time of filing the instant motion to extend.

5. Plaintiff's Motion to Disqualify raises various allegations against Zmodo's counsel (Kasowitz) regarding purported disqualifying conflict of interest, to which Kasowitz's attorneys, including the firm's senior attorneys, require additional time to review thoroughly based on the information known to date, and to respond accordingly.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of August, 2018.

/s/ Jack Shaw
Jack Shaw

1 **CERTIFICATE OF SERVICE**
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5 I hereby certify that a true and correct copy of the foregoing was electronically served on
6 counsel of record this 7th day of August, 2018, using the Court's CM/ECF system.
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10 _____
11 */s/ Faith Radford*
12 An Employee of Evans Fears & Schuttert LLP
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